

## FRANK & ASSOCIATES, P.C.

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Neil M. Frank

July 31, 2008

### VIA ECF AND OVERNIGHT MAIL

Hon. Lewis A. Kaplan  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

MEMO ENDORSED

**Re: June Bennett et al. v. Kingsbridge Heights Rehab. Care Center  
07-CV-09456 (LAK)**

Dear Judge Kaplan:

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/8/08
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This firm represents the Plaintiffs in the above-referenced action. I write on behalf of all parties to respectfully request an extension of time to complete discovery. This request is necessitated by several factors, including withdrawal by the attorneys of record for Defendant in both this and a related action pending in NYS Supreme Court, Bronx County.

Defendant initially appeared in this action through its attorney, Joel E. Cohen, Esq., of McDermott Will & Emery LLP. Mr. Cohen withdrew from representation in or about March 2008. On April 3, 2008, the law firm of Jasinsky and Williams, P.C. filed a Notice of Appearance on behalf of Kingsbridge without authorization from Defendant. Kingsbridge had not formally retained the Jasinsky firm to represent it in this matter. On April 15, 2008, Defendant appeared through its current counsel, Paul M. Sod, Esq. Kingsbridge interposed an answer to Plaintiffs' amended complaint on May 9, 2008.

The withdrawal of Defendant's attorney was compounded by the unexpected departure from this firm of Pamela J. Eisner, Esq., the attorney who had been handling the file from its inception. The matter has been reassigned to a new attorney, who has had to become familiar with the file and the claims and defenses in this action.

On June 16, 2008, motion practice ensued between Defendant and its former attorneys in the related state court action pending in Bronx County. The motion by outgoing attorneys McDermott Emery & Will LLP was submitted on July 2, 2008, and resolved by an Order dated July 24, 2008, substituting Paul M. Sod as counsel for Defendant.

## FRANK & ASSOCIATES, P.C.

Hon. Lewis A. Kaplan  
July 31, 2008  
Page 2

Prior to writing this letter, I met and conferred with Mr. Sod, and we agreed to the attached proposed amended scheduling Order. Neil M. Frank, this firm's managing partner, observes the Jewish holidays, as does Mr. Sod and his client's principals. In consideration of Jewish holidays in September and October, the parties respectfully request that their time to complete discovery be extended to November 3, 2008. There was one prior request by the parties for an extension of discovery to August 15, 2008, which was granted.

The parties remain available for a telephone conference should the Court have any questions concerning this letter. Thank you for your kind consideration of this request.

*Respectfully submitted,*

**FRANK & ASSOCIATES, P.C.**



Peter A. Romero

## MEMO ENDORSED

The discovery cut-off is extended  
30 days, to September 15, 2008.

So Ordered: 

U.S.D.J. Part I

Dated: New York, NY  
August 8, 2008

cc: Paul M. Sod, Esq. via ECF